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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re

CHRISTINE TAVARES, and
EDWARD ANZALDUA,

Debtors,

Bankruptcy Case No.s 16-14901-MLB
16-15970-MLB
Adversary Case No. 18-01002-MLB
Bankruptcy Internal Appeal 19-S001
U.S. Dist. Ct. Appeal 2:19-cv-00020-RAJ

CHAPTER 7

MICHAEL KLEIN, Trustee for the estate of
Christine Tavares, and DENNIS LEE
BURMAN, Trustee for the estate of Edward
Anzaldua,

Plaintiff,

vs.

ALABAMA HOUSING FINANCE
AUTHORITY,
a foreign public corporation doing business in
Washington as SERVISOLUTIONS

Defendant

MICHAEL KLEIN AND DENNIS LEE BURMAN'S
DESIGNATION OF RECORD AND STATEMENT
OF ISSUES ON APPEAL.

Trustees, Michael Klein and Dennis Lee Burman, the Appellants, respectfully submit,
pursuant Federal Rule of Bankruptcy Procedure ("FRBP") 8006, the following Designation of
Record of the items to be included in the record on this appeal and Statement of Issues on
Appeal. The docket number references below are to Adversary Proceeding 18-01002-MLB.

**APPELLANTS' DESIGNATION OF RECORD &
STATEMENT OF ISSUES ON APPEAL**

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DESIGNATION OF RECORD ON APPEAL

<u>Designation No.</u>	<u>Dkt. No.</u>	<u>Date Filed</u>	<u>Document title</u>
1	5	2/6/2018	Complaint
2	7	2/6/2018	Decl of Christine Tavares
3	8, 27-3	2/6/2018	Decl. of Monique Patzer
4	9	2/6/2018	Decl. of Arthur Ortiz
5	9-1	2/6/2018	Ex. A - Note
6	9-2	2/6/2018	Ex. B – Deed of Trust
7	9-3	2/6/2018	Ex C - Denial Letter
8	9-4	2/6/2018	Ex D – pmnt hist
9	9-5	2/6/2018	Ex E – Mort. Loan Stmt.
10	22	2/6/2018	Order granting TRO
11	27-10	2/6/2018	Ex F – Recorded Partial Claim Loan Mod
12	27-11	2/6/2018	Ex G – Qual'd Written Req.
13	69	7/26/2018	Second Amended Compl.
14	69-1	7/26/2018	Supp. Decl. of Tavares
15	69-3	7/26/2018	Ex H - AHFA An. Rep
16	69-4	7/26/2018	Ex I – AHFA An. Rep
17	69-5	7/26/2018	Ex K – WA AG – Drake MAR
18	69-6	7/26/2018	Ex J - WA AG - Carmen Compl.
19	69-7	7/26/2018	Ex L – Catalyst rep re Terry
20	69-8	7/26/2018	Ex M – WA AG – Bohn MAR
21	69-9	7/26/2018	Ex M – WA AG – Bohn MAR
22	71	8/9/2018	Def.'s Mot. To Dismiss Adversary Case
23	75	9/7/2018	Opp Resp to Def.'s Mot to Dismiss Adversary Case
24	78	10/1/2018	Reply – re Mot to Dismiss
25	79	10/23/2018	Oral Decision transcript at Dkt. No. 99-1
26	83	11/7/2018	Order Dismissing Case
27	85	11/20/2018	Transcript regarding Hearing Held 10/23/2018
28	86	11/20/2018	Motion to Reconsider
29	90	12/21/2018	Order re Motion to Reconsider
30	98	1/4/2019	Order Granting Plff's Mot for Substitution of Parties
31	99	1/4/2018	Not of Appeal & Stmt of Election

**APPELANTS' DESIGNATION OF RECORD &
STATEMENT OF ISSUES ON APPEAL**

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STATEMENT OF ISSUES ON APPEAL

1. Whether the trial court erred ruling that Plaintiff did not plead facts which would allow a reasonable inference that Defendant had an obligation to seek a partial claim when the loan itself is designated an FHA loan and given an FHA Case number. (sEE No. 5, Dkt. No. 9-1.)
2. Whether the trial court erred by ruling AHFA did not violate Washington's Consumer Protection Act by discouraging Plaintiff from using a HUD approved housing counselor.
3. Whether the trial court erred by ruling AHFA's conflicting miss-information regarding steps to take in applying for a loan modification, including giving conflicting directives regarding the need to obtain a quitclaim deed did not violate Washington's Consumer Protection Act.
4. Whether a genuine issue of material fact exists as to whether Plaintiff qualified for an FHA-HAMP loan modification, and AHFA evaded required mortgage loan mitigation.

Dated this 17th of January 2019.



Arthur Ortiz, WSBA No. 26676
Counsel for Plaintiffs/Appellants

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2019, I caused to be electronically filed the foregoing APPELLANTS' DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON APPEAL with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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I declare the foregoing is true and correct.

DATED this 17th day of January, 2019 in Seattle, King County, Washington.



Arthur E. Ortiz, WSBA No. 26676
Adv. Pro. Counsel Plaintiffs/Appellants

**APPELANTS' DESIGNATION OF RECORD &
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